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Joseph B. Ryan Ryan, Mason & Lewis, LLP 90 Forest Avenue Locust Valley, NY 11560			EXAMINER OSMAN, RAMY M	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* MICHAEL KENNETH BROWN  
and BIING-HWANG JUANG

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Appeal 2009-011147  
Application 09/620,495  
Technology Center 2400

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Before HOWARD B. BLANKENSHIP, MAHSHID D. SAADAT, and  
JEFFREY S. SMITH, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-7 and 9-20, which are all the claims remaining in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

*Invention*

Appellants' invention relates to a content interpolating web proxy server configured in a computer network for processing retrieved web content so as to place it in a format suitable for presentation on a particular client device such as a computer, personal digital assistant (PDA), wireless telephone or voice browser-equipped device. The server processes a client request generated by a client device to determine a particular client type associated with the client device, retrieves web content identified in the client request, retrieves one or more augmentation files associated with the web content and the particular client type, and alters the retrieved web content in accordance with the one or more augmentation files. The altered web content is then delivered to the client device. The one or more augmentation files may be co-located with the web content at a site remote from the proxy server, such that the content owner need not own, maintain or otherwise control the proxy server. Abstract.

*Representative Claim*

1. An apparatus for use in a computer network, the apparatus comprising:

at least one server within the network, the server being operative to process a client request generated by a client device to determine a particular client type associated with the client device, to retrieve web content identified in the client request, to retrieve one or more augmentation files associated with at least one of the web content and the particular client type, and to alter the retrieved web content in accordance with the one or more augmentation files, wherein the altered web content is delivered to the client device;

wherein the server parses the retrieved web content into one or more component structures, and subsequently applies a pattern matching process to recognize designated component structure subject to alteration in accordance with the one or more augmentation files; and

wherein the pattern matching process comprises comparing a given one of the component structures of the retrieved web content to predetermined component structures represented by respective tokens in the one or more augmentation files.

#### *Examiner's Rejections*

Claims 1-5, 7, 9, 12-14, and 16-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by McCauley (US 6,626,958 B1).

Claims 6, 15, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCauley and Tso (US 6,421,733 B1).

Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCauley and Li (US 6,345,279 B1).

#### ISSUES

(1) Did the Examiner err in finding that McCauley describes “the pattern matching process comprises comparing a given one of the component structures of the retrieved web content to predetermined component structures represented by respective tokens in the one or more augmentation files” as recited in claim 1?

(2) Did the Examiner err in finding that McCauley describes “the client device comprises a virtual client device having a combination of a plurality of different sets of features provided by multiple distinct physical client devices” as recited in claim 13?

(3) Did the Examiner err in finding that McCauley describes “at least one of the augmentation files comprises a default augmentation file stored on the at least one server” as recited in claim 16?

(4) Did the Examiner err in finding that McCauley describes “the server has access to a set of one or more default augmentation files, and the server is operative to attempt to retrieve a given one of the default augmentation files for use in altering the retrieved web content if the corresponding client request is determined to have no externally-retrievable augmentation files associated therewith” as recited in claim 17?

#### ANALYSIS

##### *Section 102 rejection of claims 1-5, 7, 9, 12, 18, and 19*

Appellants contend that McCauley does not describe a pattern matching process to recognize designated component structures subject to alteration in accordance with one or more augmentation files. App. Br. 9. The Examiner finds that each information page, or retrieved web content, has page specifications, or component structures. The Examiner also finds that comparing client characteristics and page rendering characteristics describes a pattern matching process. Ans. 11-12. Appellants respond that matching HTML characteristics of a client to HTML characteristics of a pane renderer does not describe a pattern matching process that compares a given one of the component structures of the retrieved web content to predetermined component structures represented by respective tokens in the one or more augmentation files as recited in claim 1. Reply Br. 1-3.

We agree with Appellants. We do not sustain the rejection of claim 1 and dependent claims 2-5, 7, 9, and 12 under 35 U.S.C. § 102. Independent

claims 18 and 19 contain a limitation similar to that of claim 1 for which the rejection fails. Therefore, we do not sustain the rejection of claims 18 and 19 under 35 U.S.C. § 102.

*Section 102 rejection of claims 13 and 14*

The Examiner finds that McCauley's devices, which are any devices such as a personal computer, inherently have features that other distinct physical devices may have. Ans. 14-15. Appellants contend that the Examiner's interpretation fails to give patentable weight to the term "virtual." Reply Br. 5.

We agree with Appellants. We do not sustain the rejection of claims 13 and 14 under 35 U.S.C. § 102.

*Section 102 rejection of claim 16*

Appellants contend that the default content pane renderer shown in Figure 3 and described in column 11, lines 45-67 of McCauley does not disclose a default augmentation file. App. Br. 12-13. According to Appellants, this portion of McCauley relates to a simplified case in which there is only one pane renderer. Reply Br. 5-6.

We do not agree with Appellants. Claim 16 recites "wherein at least one of the augmentation files comprises a default augmentation file stored on the at least one server." McCauley describes a pane selection routine that selects one of two pane renderers. Col. 11, ll. 54-60. One of the pane renderers can be a default pane renderer. *See* Fig. 3. The term "default augmentation file" recited in claim 16 encompasses the default pane renderer shown in Figure 3 of McCauley.

We sustain the rejection of claim 16 under 35 U.S.C. § 102.

*Section 102 rejection of claim 17*

Claim 17 recites “the server is operative to attempt to retrieve a given one of the default augmentation files for use in altering the retrieved web content if the corresponding client request is determined to have no externally-retrievable augmentation files associated therewith.” The Examiner finds that since the default pane renderer described in column 11, lines 61-64 of McCauley is the only available pane renderer to be selected, then the client request is inherently determined to have no other pane renderer associated with it. Ans. 16. Appellants contend that this portion of McCauley does not describe the determination regarding the association of particular externally-retrievable augmentation files with a given client request. App. Br. 13.

We agree with Appellants. We do not sustain the rejection of claim 17 under 35 U.S.C. § 102.

*Section 103 rejection of claims 6, 15, and 20*

The Examiner relies on McCauley to teach “wherein the pattern matching process comprises comparing a given one of the component structures of the retrieved web content to predetermined component structures represented by respective tokens in the one or more augmentation files” as recited in independent claims 1 and 20. Ans. 4, 9. We do not agree with the Examiner for the reasons given in the analysis of claim 1 above.

We do not sustain the rejection of claims 6 and 15, which depend from claim 1, under 35 U.S.C. § 103. We also do not sustain the rejection of independent claim 20 under 35 U.S.C. § 103.

*Section 103 rejection of claims 10 and 11*

The Examiner relies on McCauley to teach “wherein the pattern matching process comprises comparing a given one of the component structures of the retrieved web content to predetermined component structures represented by respective tokens in the one or more augmentation files” as recited in independent claim 1. Ans. 4, 9. We do not agree with the Examiner for the reasons given in the analysis of claim 1 above.

We do not sustain the rejection of claims 10 and 11, which depend from claim 1, under 35 U.S.C. § 103.

CONCLUSIONS OF LAW

(1) The Examiner erred in finding that McCauley describes “the pattern matching process comprises comparing a given one of the component structures of the retrieved web content to predetermined component structures represented by respective tokens in the one or more augmentation files” as recited in claim 1.

(2) The Examiner erred in finding that McCauley describes “the client device comprises a virtual client device having a combination of a plurality of different sets of features provided by multiple distinct physical client devices” as recited in claim 13.



(3) The Examiner did not err in finding that McCauley describes “at least one of the augmentation files comprises a default augmentation file stored on the at least one server” as recited in claim 16.

(4) The Examiner erred in finding that McCauley describes “the server has access to a set of one or more default augmentation files, and the server is operative to attempt to retrieve a given one of the default augmentation files for use in altering the retrieved web content if the corresponding client request is determined to have no externally-retrievable augmentation files associated therewith” as recited in claim 17.

#### DECISION

The rejection of claims 1-5, 7, 9, 12-14, and 17-19 under 35 U.S.C. §102(e) as being anticipated by McCauley is reversed.

The rejection of claim 16 under 35 U.S.C. §102(e) as being anticipated by McCauley is affirmed.

The rejection of claims 6, 15, and 20 under 35 U.S.C. § 103(a) as being unpatentable over McCauley and Tso is reversed.

The rejection of claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over McCauley and Li is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

#### AFFIRMED-IN-PART

msc